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18 Corporation and Nanya Technology Corporation USA  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re DYNAMIC RANDOM ACCESS  
MEMORY (DRAM) ANTITRUST  
LITIGATION

Case No. M-02-1486-PJH

MDL No. 1486

This Document Relates To:

ALL DIRECT PURCHASER  
ACTIONS

**DECLARATION OF E. ANNE  
HAWKINS IN SUPPORT OF  
MOTION TO EXCLUDE  
TESTIMONY OF PAUL C. LIU**

Date: March 22, 2007  
Time: 9:00 a.m.  
Ctrm.: 3  
Judge: Hon. Phyllis J. Hamilton

1 I, E. Anne Hawkins, do hereby declare as follows:

2 1. I am an associate with the law firm of Orrick, Herrington & Sutcliffe LLP and am  
3 one of the attorneys for Nanya Technology Corporation ("NTC") and Nanya Technology  
4 Corporation USA ("NTC USA") in this matter. I submit this declaration in support of NTC and  
5 NTC USA's Motion to Exclude Testimony of Paul C. Liu. If called as a witness, I could and  
6 would testify to the following of my own personal knowledge.

7 2. Attached hereto as Exhibit A is a true and correct copy of excerpts from the  
8 Certified Court Reporter's Transcript of the September 28, 2006 deposition of Paul C. Liu.

9 3. Attached hereto as Exhibit B is a true and correct copy of the August 28, 2006  
10 Initial Expert Report of Paul C. Liu.

11 4. Attached hereto as Exhibit C is a true and correct copy of the October 24, 2006  
12 Rebuttal Expert Report of Paul C. Liu.

13 5. Attached hereto as Exhibit D is a true and correct copy of excerpts from the  
14 Certified Court Reporter's Transcript of the January 17, 2007 deposition of Paul C. Liu.

15 6. Attached hereto as Exhibit E is a true and correct copy of excerpts from the  
16 October 2, 2006 Expert Report of Victor de Dios.

17 7. Attached hereto as Exhibit F is a true and correct copy of the October 2, 2006  
18 Expert Report of Dr. Vincent O'Brien.

19 8. Attached hereto as Exhibit G is a true and correct copy of excerpts from the  
20 October 2, 2006 Expert Report of Carl Shapiro.

21 9. Attached hereto as Exhibit H is a true and correct copy of excerpts from the  
22 December 9, 2005 Expert Report of Roger G. Noll.

23 10. Attached hereto as Exhibit I is a true and correct copy of excerpts from the  
24 Reporter's Transcript of Proceedings from the January 10, 2007 hearing on NTC and NTC  
25 USA's Motion for Summary Judgment.

26 11. Attached hereto as Exhibit J is a true and correct copy of the Declaration of  
27 Charlene Young Re: Mailing and Publication of Notice and Report on Requests for Exclusion.  
28 Attached to Ms. Young's declaration is a true and correct copy of excerpts from Exhibit C to her

1 declaration which lists members who have opted-out of the class in this litigation.

2 12. Attached hereto as Exhibit K is a true and copy of a chapter written by Paul C.  
3 Liu from the ABA Handbook, "Econometrics: Legal, Practical, and Technical Issues." This  
4 excerpt was attached as Exhibit 2 to the Deposition of Paul C. Liu.

5 Executed on February 15, 2007 at San Francisco, California.

6 I declare under penalty of perjury of the laws of the United States of America that the  
7 foregoing is true and correct.

8   
9 E. Anne Hawkins

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NORTHERN DISTRICT OF CALIFORNIA

In re DYNAMIC RANDOM ACCESS  
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LITIGATION

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**MANUAL FILING NOTIFICATION**

This Document Relates To:

ALL DIRECT PURCHASER  
ACTIONS

Date: March 22, 2007  
Time: 9:00 a.m.  
Ctrm.: 3  
Judge: Hon. Phyllis J. Hamilton

Regarding: Exhibits A-H to Declaration of E. Anne Hawkins in Support of Motion to Exclude  
Testimony of Paul C. Liu



1 This filing is in paper and is being maintained in the case file in the Clerk's office. For  
2 information on retrieving this filing directly from the court, please see the court's main website  
3 at <http://www.cand.uscourts.gov> under Frequently Asked Questions (FAQ).

4 This filing was not e-filed for the following reason: Items Under Seal.

5 Dated: February 15, 2007

ROBERT E. FREITAS  
HOWARD M. ULLMAN  
ORRICK, HERRINGTON & SUTCLIFFE LLP

7 /s/

8 Howard M. Ullman  
Attorneys for Nanya Defendants

9 STEPHEN V. BOMSE  
10 MICHAEL J. SHEPARD  
11 DAVID C. BROWNSTEIN  
HELLER EHRMAN LLP

12 TOPEL & GOODMAN

13 /s/

14 David C. Brownstein  
Attorneys for Mosel Defendants

# **EXHIBIT I**

Pages 1 - 108

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
BEFORE THE HONORABLE PHYLLIS J. HAMILTON

IN RE DYNAMIC RANDOM ACCESS	)	Master File No. M-02-1486 PJH
MEMORY (DRAM) ANTITRUST	)	MDL No. 1486
LITIGATION,	)	
	)	C-06-1665 PJH
	)	C-06-2915 PJH
AND RELATED ACTIONS.	)	C-06-2917 PJH
	)	C-06-4333 PJH

San Francisco, California  
Wednesday, January 10, 2007

Reporter's Transcript Of Proceedings

Appearances:

For Direct	Saveri & Saveri, Inc.
Purchaser Plaintiffs:	111 Pine Street, Suite 1700
	San Francisco, California 94111
By:	Guido Saveri, Esquire
	Geoffrey C. Rushing, Esquire
	Cadio Zirpoli, Esquire
	R. Alexander Saveri, Esquire
	Hagens Berman Sobol Shapiro LLP
	1301 Fifth Avenue, Suite 2900
	Seattle, Washington 98101
By:	Anthony D. Shapiro, Esquire
	George W. Sampson, Esquire

(Appearances continued on next page.)

Reported By: Katherine A. Powell, CRR, CSR No. 5812  
Official Reporter, U.S. District Court

Appearances continued:

For Direct	Wolf, Haldenstein, Adler, Freeman &
Purchaser Plaintiffs:	Herz, LLP
	270 Madison Avenue

1           This was a conspiracy marked by high-level pricing  
2     discussions amongst high-level executives of numerous  
3     companies, including the Nanya entities. It also was a  
4     conspiracy that involved coordinated output reduction.

5           When Your Honor views all the evidence -- and it's  
6     both direct and circumstantial -- together and not in isolation  
7     or piece by piece, as the law requires, it's clear that this is  
8     a case for the jury to decide.

9           Though the conspiracy started as far back as 1999,  
10    at least, our discussion today with respect to Nanya will focus  
11    starting in 2001, because that is the year that the Nanya  
12    entities ramped up their production and were selling not just  
13    on the spot market, as they had done before, but to large OEMs  
14    like Dell and Compaq.

15          I want to talk to you about a period that Your Honor  
16    is familiar with because of the other motion. It's called the  
17    Kill Hynix Period.

18          The evidence in this case is that between April 1  
19    and October 31, 2001, there was an effort by a number of the  
20    conspirators, in an effort to try to take production out of the  
21    market. They were going to try to drive Hynix out of business.  
22    Hynix was financially a wounded company, a company that the  
23    conspirators thought they could take out of the market.

24          However, it became clear towards the end of the  
25    summer and early fall that the Korean government was going to

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1     prop up Hynix and fund Hynix, and Hynix couldn't or wouldn't  
2     leave the industry. Because of this, prices went down from  
3     April to October of 2001.

4           Towards the end of the summer of 2001, there was a



5 realization amongst the competitors that this effort to take  
6 production out of the market by killing Hynix was not only  
7 driving prices down, but wasn't achieving the purpose they  
8 wanted. So, as a result, there began to be talk amongst  
9 competitors that there needed to be a floor.

10 This is an e-mail from Linda Turner, who is in  
11 charge of the Asian offices at Micron, dated June 28, 2001. As  
12 you can see, she's writing and she says, "We do know" --

13 THE COURT: And Vincenzo Esposito is with which  
14 company?

15 MR. SHAPIRO: He's a broker that works with Micron.

16 She writes, "We do know that the Taiwanese DRAM  
17 dudes are pow-wow'ing next week on how to set a floor and as you  
18 have already mentioned, we know Sammy/" -- which is Samsung --  
19 "Infineon/Hynix have had pricing discussions recently."

20 One of the Taiwan DRAM dudes, I would submit to Your  
21 Honor, is Nanya, who was a new entrant onto the scene and  
22 becoming more of a player.

23 THE COURT: Why do you think that she hasn't  
24 mentioned Nanya in that group, if it was one of the Taiwan --

25 MR. SHAPIRO: She didn't mention Winbond or Power

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1 Chip or Mosel.

2 But as Your Honor, I think, will see in our  
3 presentation, that Nanya representatives were beginning at this  
4 point in time to engage in high-level discussions with their  
5 competitors about production and pricing.

6 During this period of time, as well, you have Nanya  
7 employees -- Mike Walsh from Nanya USA is exchanging

8 information with representatives from their competitors.  
9 Here's an e-mail where Mike Walsh, in this same period of time,  
10 August 28, 2001, is forwarding to Jim Sogas at Elpida about the  
11 Compaq memory targets that Nanya has received from Compaq, in  
12 an effort to benefit Elpida.

13 Now, during this same period of time you have  
14 e-mails from Nanya employees indicating that they are  
15 discussing pricing and inventory with their competitors.

16 Here's a series of e-mails, starts at the bottom.  
17 This is Stan Chao at Nanya Taiwan to Dave Dwyer at Nanya USA.  
18 And Mr. Chao, as of September 2001, indicates, "The Micron  
19 marketing guy told me there was more demand in U.S. today."  
20 Then he tells him the price he was told. And this is from  
21 Nanya Taiwan to Nanya USA, reporting about his discussions with  
22 Micron representatives.

23 Then he comes back, and Mr. Chao also, the next day,  
24 says, "I got information from Samsung guy. Their quotation is  
25 U.S. dollars \$1.30. The price below \$1.30 is negotiable if

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15 on this. But I wanted you to know where I was heading in the  
16 event that that might affect any continued negotiations or your  
17 beginning trial preparation.

18 All right. We are adjourned.

19 (Multiple counsel unanimously thank the Court.)

20 (Proceedings adjourn at 1:52 p.m.)

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#### CERTIFICATE OF REPORTER

I, Katherine A. Powell, Official Court Reporter for  
the United States Court, Northern District of California,  
hereby certify that the foregoing proceedings were reported by  
me, a duly certified shorthand reporter, and were thereafter  
transcribed under my direction into typewriting by computer;  
that the foregoing is a full, complete and true record of said  
proceedings as bound by me at the time of filing. The validity  
of the reporter's certification of said transcript may be void  
upon disassembly and/or removal from the court file.

-----  
KATHERINE A. POWELL, RPR, CRR, CSR #5812

January 18, 2007